

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #10	CCRB Case #: 201708081	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/23/2017 10:00 PM	Location of Incident: 50th Precinct stationhouse	Precinct: 50	18 Mo. SOL 3/23/2019	EO SOL 3/23/2019	
Date/Time CV Reported Sat, 09/23/2017 10:20 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 10/02/2017 1:31 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Mayko Matos	13660	957821	050 PCT
2. SGT Jordan Karras	4818	943426	050 PCT
3. POF Helen Flavin	29679	922353	050 PCT
4. Officers			
5. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Rodriguez	28899	931072	050 PCT
2. POM John Labianca	14211	945892	050 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Helen Flavin	Off. Language: Police Officer Helen Flavin made remarks to § 87(2)(b) based upon gender.	
B.POF Helen Flavin	Off. Language: Police Officer Helen Flavin made remarks to § 87(2)(b) based upon race.	
C.POF Helen Flavin	Discourtesy: Police Officer Helen Flavin spoke discourteously to § 87(2)(b)	
D.POF Helen Flavin	Abuse: Police Officer Helen Flavin threatened § 87(2)(b) with the use of force.	
E.POF Helen Flavin	Force: Police Officer Helen Flavin used physical force against § 87(2)(b)	
F.POM Mayko Matos	Discourtesy: Police Officer Mayko Matos spoke discourteously to § 87(2)(b)	
G.POM Mayko Matos	Off. Language: Police Officer Mayko Matos made remarks to § 87(2)(b) based upon race.	
H.SGT Jordan Karras	Off. Language: Sergeant Jordan Karras made remarks to § 87(2)(b) based upon race.	
I. An officer	Force: An officer used a chokehold against § 87(2)(b)	
J. Officers	Force: Officers used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
K.SGT Jordan Karras	Force: Sergeant Jordan Karras used physical force against § 87(2)(b)	

Case Summary

On September 23, 2017, § 87(2)(b) filed the following complaint with IAB on behalf of her daughter § 87(2)(b). § 87(2)(b) was not a witness to this incident. On October 2, 2017, this complaint was received at the CCRB via referral number 17-37364. On September 23, 2017, at approximately 10:00 p.m., husband and wife § 87(2)(b) and § 87(2)(b) went to the 50th Precinct stationhouse at 3450 Kingsbridge Avenue in the Bronx. They picked up § 87(2)(b)'s nephew § 87(2)(b) who had been released from the stationhouse with a summons for possession of marijuana. PO Helen Flavin of the 50th Precinct allegedly repeatedly called § 87(2)(b) a “Bitch” and “Black Bitch.” (**Allegations A: Offensive Language** - § 87(2)(g) and **B: Offensive Language** - § 87(2)(g)) PO Flavin also allegedly repeatedly used the word “fuck” and “shit” (**Allegation C: Discourtesy** - § 87(2)(g)) PO Flavin also allegedly told § 87(2)(b) “Let’s fight.” (**Allegation D: Abuse of Authority** - § 87(2)(g)) PO Flavin allegedly pushed § 87(2)(b) in the stomach and chest with both hands approximately four or five times while telling her to leave the stationhouse (**Allegation E: Force** - § 87(2)(g)) Sgt. Jordan Karras, PO Mayko Matos, PO Joseph Rodriguez and other officers responded to the yelling. PO Matos allegedly told the other officers, “Fuck that. Let’s get this nigger.” While referring to § 87(2)(b) (**Allegation F: Discourtesy** - § 87(2)(g) and **G: Offensive Language** - § 87(2)(g)) Sgt. Karras also allegedly said, “Let’s get this nigger.” (**Allegation H: Offensive Language** - § 87(2)(g)) § 87(2)(b) was allegedly placed in a chokehold (**Allegation I: Force** - § 87(2)(g)) by an unidentified officer and pushed (**Allegation J: Force** - § 87(2)(g)) to the ground where he was handcuffed. § 87(2)(b) was also allegedly pushed to the ground by Sgt. Karras (**Allegation K: Force** - § 87(2)(g)) She was handcuffed and also arrested. § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(b) (Board Review 1). § 87(2)(b) was transported § 87(2)(b) where she was monitored and evaluated. She was given Tylenol and a warm compress. § 87(2)(b) did not seek medical treatment.

Two cell phone videos were provided by § 87(2)(b)

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Helen Flavin made remarks to § 87(2)(b) based upon gender.

Allegation (B) Offensive Language: Police Officer Helen Flavin made remarks to § 87(2)(b) based upon race.

Allegation (C) Abuse of Authority: Police Officer Helen Flavin spoke discourteously to § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Helen Flavin threatened § 87(2)(b) with the use of force.

Allegation (E) Abuse of Authority: Police Officer Helen Flavin used physical force against § 87(2)(b)

On September 23, 2017, at approximately 8:55 p.m., § 87(2)(b) was arrested by PO John Labianca for § 87(2)(b). § 87(2)(b) was arrested rather than issued a summons because he told officers that he did not have any identification on him. At approximately 9:30

p.m., § 87(2)(b) and her husband § 87(2)(b) went to the 50th Precinct stationhouse to enquire about § 87(2)(b)'s arrest. They spoke to Sgt. Jordan Karras. § 87(2)(b) was released from the stationhouse with a summons for § 87(2)(b) (**Board Review 2**). They all exited the stationhouse and went to their car. § 87(2)(b) (**Board Review 3**) returned to the 50th Precinct stationhouse to ask for the shield number of PO Joseph Rodriguez, whom § 87(2)(b) believed was his arresting officer. § 87(2)(b) approached PO Helen Flavin and PO Mayko Matos and asked for PO Rodriguez's badge number. PO Flavin asked § 87(2)(b) why she needed the shield number if she had his name. PO Flavin told § 87(2)(b) to leave the stationhouse. § 87(2)(b) told PO Flavin to be respectful. PO Flavin allegedly responded by becoming irate calling § 87(2)(b) "Bitch, Dirty Bitch, Black Bitch." PO Flavin also repeatedly said to § 87(2)(b) "Fuck that, fuck you, fuck her, fuck that bitch, I don't give a fuck. You can't do shit. You ain't shit." She also said repeatedly, "Go the fuck outside. Let's fight." PO Flavin allegedly then began to push § 87(2)(b) in the stomach and chest with both hands. The pushing caused § 87(2)(b) to back up towards the front door. § 87(2)(b) told PO Flavin she was pregnant and PO Flavin responded, "I don't give a fuck if you pregnant. You black bitch." § 87(2)(b) stated that he stood outside the glass front doors of the 50th Precinct stationhouse and observed as § 87(2)(b) spoke to PO Flavin and PO Matos. § 87(2)(b) also alleged that PO Flavin called § 87(2)(b) a "bitch" repeatedly and called her, "Fat ugly bitch. Black bitch" and told her, "I'll fuck you up." § 87(2)(b) stated (**Board Review 4**) that PO Flavin pushed § 87(2)(b) in the stomach using her forearm. § 87(2)(b) then gave his cell phone to § 87(2)(b) and told him to record. § 87(2)(b) then entered the stationhouse. § 87(2)(b) stated that § 87(2)(b) entered the stationhouse to obtain the name of his arresting officer. After § 87(2)(b) entered the stationhouse, a commotion suddenly ensued inside, but he did not know what instigated it. Officers began to tell § 87(2)(b) to leave the stationhouse. § 87(2)(b) did not cooperate in providing a more detailed statement, but he did not mention entering the stationhouse or hearing the interaction § 87(2)(b) had with police officers inside.

§ 87(2)(b) felt pain in her stomach and was taken to § 87(2)(b) for medical treatment after her arrest. § 87(2)(b) stated that she was treated for anxiety and that her fetus was monitored and evaluated. She did not allege that she sustained a specific injury and did not receive treatment for a specific injury. § 87(2)(b) stated that she informed doctors that she has been diagnosed before for anxiety, depression and schizophrenia. § 87(2)(b) declined to sign a medical release for her medical records. However, she provided one page of her Emergency Room Summary, which indicated that she presented with complaint of abdominal and back trauma. It was indicated that "exam is negative." She was given Tylenol and warm compress for her pain. (**See Privileged Document**)



2018-05-17_9-39-48.mp4

The portion of the incident recorded on video showed § 87(2)(b) and § 87(2)(b) standing at the front door of the 50th Precinct stationhouse with a large group of police officers surrounding them. § 87(2)(b) and § 87(2)(b) were both yelling at the officers. § 87(2)(b) exited through the front doors standing approximately 8 feet from the door and facing the officers while § 87(2)(b) remained at the doorway. § 87(2)(b) was yelling that § 87(2)(b) was 6 months pregnant. § 87(2)(b) told officers "Fight me." § 87(2)(b) could be heard repeatedly

yelling to § 87(2)(b) “Chill. Chill.” Various male police officers including Sgt. Karras could be seen facing § 87(2)(b) and telling him “Relax.” Female sounding voices could be heard yelling while using the word “fuck” and “bitch.” At some points it could be discerned that a female voice, presumably § 87(2)(b) s stated, “Bitch. I’m pregnant” and another female voice responded, “Go outside.” At other times, other uses of the word “Fuck” or “bitch” could be heard in a female’s voice, but it could not be discerned whether it was § 87(2)(b) or another person who used the words, due to the yelling by § 87(2)(b). The video does not show § 87(2)(b) being pushed or moving backward, however, the position of the camera is behind § 87(2)(b) and the camera was not always pointed at her. Due to the position of the camera as well as the darkness outside of the stationhouse, the faces of most of the individuals in the video were not clearly discernable. It could not be seen whose mouths were moving at all times and statements could only be attributed to individuals based on the context.

PO Flavin stated (**Board Review 5**) that she was inside the 50th Precinct stationhouse when § 87(2)(b) entered the stationhouse yelling loudly stating that she wanted “PO Matos’s name.” PO Flavin did not understand her request since she was using PO Matos’s name in the question. PO Flavin did not know that § 87(2)(b) had been in the stationhouse earlier and did not know the circumstances of § 87(2)(b) s arrest. PO Flavin told § 87(2)(b) that PO Matos’s name was Matos and that she had his name. § 87(2)(b) allegedly then began to yell and curse at PO Flavin telling her, “Shut the fuck up. Mind your business.” PO Flavin told her to lower her voice. PO Flavin denied that she ever called § 87(2)(b) a “Bitch” a “Black Bitch” or used any offensive language regarding § 87(2)(b) s gender or race. PO Flavin also denied cursing at § 87(2)(b) using the words “fuck” or “shit.” PO Flavin also denied threatening § 87(2)(b) with force or threatening to fight her. PO Flavin also denied pushing § 87(2)(b) at all and stated that she walked with them towards the stationhouse entrance while other officers intervened. PO Flavin believed that § 87(2)(b) called for § 87(2)(b) to enter the stationhouse and he did so through the front door yelling at PO Flavin. PO Flavin did not recall what § 87(2)(b) was yelling, but stated that he had clenched fists and was visibly in an aggressive stance. At that point, other police officers stepped between § 87(2)(b) and PO Flavin and told § 87(2)(b) and § 87(2)(b) to go outside. PO Flavin stated she began to walk with the civilians as they backed out of the stationhouse, but was advised by other officers to stay inside the building because § 87(2)(b) was apparently angry towards her in particular. Sgt. Karras, (**Board Review 6**) PO Matos (**Board Review 7**), and PO Labianca (**Board Review 8**) stated they were in the rear of the stationhouse when they heard yelling coming from the front of the stationhouse. Upon walking to the front of the stationhouse, they saw § 87(2)(b) and § 87(2)(b) seemingly yelling at all of the police officers present. All denied hearing PO Flavin make offensive statements, discourteous statements or threats of force. They also denied seeing PO Flavin push § 87(2)(b) in the stomach or any part of the body. PO Rodriguez stated that he was elsewhere inside the stationhouse and did not witness this interaction (**Board Review 9**). The video was shown to the officers interviewed and Sgt. Karras and PO Matos identified themselves in the video. PO Labianca could not see himself in the video. PO Flavin stated that at this point in the video she was further inside the building and not in view on the video while other officers were telling § 87(2)(b) and § 87(2)(b) to leave.

§ 87(2)(g)

§ 87(2)(g)

Allegation F – Discourtesy: Police Officer Mayko Matos spoke discourteously to § 87(2)(b)

Allegation G – Offensive Language: Police Officer Mayko Matos made remarks to § 87(2)(b) based upon race.

Allegation H – Offensive Language: Sergeant Jordan Karras made remarks to § 87(2)(b) based upon race.

§ 87(2)(b) alleged that while in front of the 50th Precinct stationhouse, PO Matos said, “Fuck that. Let’s get this nigger.” While referring to § 87(2)(b) Sgt. Karras allegedly then said, “Let’s get this nigger.” A group of officers then moved towards § 87(2)(b) to arrest him. § 87(2)(b) stated that before officers moved towards him to arrest him, he heard an officer he could not see say, “Fuck it. We taking him.” § 87(2)(b) did not mention any other comments made.



2018-05-17_10-26-40.mp4

The video at this portion of the incident showed that § 87(2)(b) and § 87(2)(b) were standing several feet apart yelling at different groups of police officers. § 87(2)(b) was at the front door yelling at officers inside the building while § 87(2)(b) was several feet from the front door yelling at Sgt. Karras and some other unidentified male officers who were standing between him and § 87(2)(b). At one point, § 87(2)(b) could be heard using the word, “My nigger” while yelling at the police. No other use of the word “nigger” could be heard on the video. Immediately prior to officers moving towards § 87(2)(b) Sgt. Karras said, “That’s it. That’s a...” the rest of his statement was cut off as police began moving towards § 87(2)(b).

In his interview Sgt. Karras denied that he called § 87(2)(b) a “nigger” and was shown the video. He identified himself in the video and stated that he told other officers to place § 87(2)(b) under arrest when he said, “That’s it. He’s under arrest.” And that he was telling other officers that § 87(2)(b) was under arrest. PO Matos denied saying, “Fuck that. Let’s get this nigger.” And confirmed that Sgt. Karras told other officers to arrest § 87(2)(b). PO Matos was shown the video as well and identified himself in the video standing near Sgt. Karras during the statement, “That’s it.” All of the other officers interviewed denied hearing anyone say, “Fuck that.” Or “Let’s get this nigger.” PO Labianca also confirmed that Sgt. Karras issued the order to place them under arrest stating, “You know what? No. You’re under arrest.” PO Labianca denied hearing any officer say, “Fuck that. Let’s get this nigger.”

§ 87(2)(g)

§ 87(2)(g)

Allegation I – Force: An officer used a chokehold against § 87(2)(b)

Allegation J – Force: Officers used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after the verbal command to arrest him, an officer behind him whom he could not see placed an arm around his neck, placing him in a chokehold. Then numerous other officers also whom he could not see grabbed him by the arms and together pushed him face-down onto the ground. These officers then pressed down on his back and pulled his hands behind his back, placing him in handcuffs. § 87(2)(b) stated that officers grabbed and “tackled” § 87(2)(b) against the side of their car and were holding his head down on the ground while handcuffing him. § 87(2)(b) did not see § 87(2)(b) in a headlock.

§ 87(2)(b) stated that he had pain in his neck afterwards. He did not seek any medical treatment because he does not have health insurance and is already carrying a great deal of medical debt. He did not claim to have any visible injuries and did not have any injuries during his CCRB interview.



2018-05-17_10-52-24.mp4

The video showed that after Sgt. Karras’s command, a group of 4 to 6 unidentified male officers grabbed § 87(2)(b) at the passenger side of his vehicle parked in front of the 50th Precinct stationhouse. The dark lighting conditions and the obstruction by the bodies of other police officers made it impossible to identify the officers around § 87(2)(b). Although officers could be seen behind § 87(2)(b) as he is against the side of the car, it could not be seen whether any officer had his arms around § 87(2)(b)’s neck. Although § 87(2)(b)’s body could not be seen clearly, by the posture of the police officers, it appeared that § 87(2)(b) was on the ground for approximately 10 seconds. What the officers were doing to § 87(2)(b) while on the ground could not be discerned from the video. The entire period from when Sgt. Karras issued the command to arrest § 87(2)(b) to when § 87(2)(b) was picked up from the ground was approximately 25 seconds. § 87(2)(b) was immediately escorted inside the 50th Precinct stationhouse by a large group of officers. The video showed that Sgt. Karras and PO Matos were not involved in handcuffing § 87(2)(b).

Sgt. Karras, PO Matos and PO Labianca stated that § 87(2)(b) was handcuffed against the side of § 87(2)(b)’s car. Sgt. Karras, PO Labianca and PO Matos all stated that they did not see the entire process of § 87(2)(b) being handcuffed because they were dealing with § 87(2)(b) and other bystanders. None of the officers could identify any other officer who participated in handcuffing § 87(2)(b).

§ 87(2)(g)

§ 87(2)(g)

Allegation K – Force: Sergeant Jordan Karras used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after § 87(2)(b) was taken inside the stationhouse, Sgt. Karras approached her and told her, “You’re going to jail.” Sgt. Karras then grabbed her by the wrist and pushed her to the ground causing her to fall on her stomach and her side. She dropped her cell phone when she fell. Sgt. Karras then grabbed her other arm and handcuffed her with her hands behind her back while she was on the ground. § 87(2)(b) stated she felt back pain. § 87(2)(b) stated that he was brought inside the stationhouse after he was handcuffed and he did not see § 87(2)(b) placed under arrest.



201708081_20171026_1805_DM.mp4

There was a gap in the videos § 87(2)(b) provided to the CCRB. The first video ended before Sgt. Karras began to place § 87(2)(b) under arrest. A second video 13 seconds long showed § 87(2)(b) seated on the ground with her legs stretched out before her. Sgt. Karras was standing behind her, bending down and grabbing onto her arms which were stretched out at her sides. § 87(2)(b) briefly leaned backward and kicked her legs out without striking anybody. Sgt. Karras brought her arms behind her back. § 87(2)(b) was crying loudly that she was pregnant and had never been arrested before. The video ended before she was placed in handcuffs.

Sgt. Karras stated that he walked behind § 87(2)(b) and placed her hands behind her back. As he placed a handcuff on one of her wrists, § 87(2)(b) began to resist by going limp into a sitting position. Sgt. Karras stated that he held her arms and slowly lowered her into a seating position on the ground. He finished handcuffing her as she was in a sitting position. During his interview, the video was shown to Sgt. Karras who stated that he believed the video was edited to omit how he lowered § 87(2)(b) to the ground. He pointed out that she was in the sitting position as shown in the video, but as the video showed, he did not have as much control of her arms as he recollected since the video showed that she was able to move her arms out to her sides. Sgt. Karras then picked her up by the arms and escorted inside the stationhouse. Sgt. Karras stated that § 87(2)(b) was taken to the hospital as a precaution because she was pregnant. Sgt. Karras could not identify any other officer in the vicinity when § 87(2)(b) was arrested.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b), § 87(2)(c)
[REDACTED]
- This is the first and only CCRB involving § 87(2)(b) or § 87(2)(b) (Board Review 10).
- Sgt. Karras has had five other complaints involving five allegations made against him in his 11 year tenure at the NYPD. None of the allegations have been substantiated and § 87(2)(g)
[REDACTED]
- PO Flavin has had three other complaints involving seven allegations made against her in her 19 year tenure at the NYPD. In CCRB case number 201600501, an allegation of threat of arrest and refusal to provide name and shield number were substantiated. The Board recommended Command Discipline B. The NYPD has not imposed any penalty.
- PO Mayko Matos has had six other complaints involving 19 allegations made against him in his three year tenure at the NYPD.
 - In CCRB case number 201610050, an allegation of strip search was substantiated. A referral was also made for PO Matos making a false official statement. The Board recommended Command Discipline A. No penalty has been imposed as of this date.
 - In CCRB case number 201707048, allegations of frisk and search of person were substantiated. The Board recommended Command Discipline B. No Penalty has been imposed as of this date.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- An enquiry to the Office of the New York City Comptroller did not reveal a notice of claim filed for this incident.

[illegible]

Squad No.: 10

Investigator: _____ Inv. Simon Wang 05/18/18
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date